

Last revised 8/1/15

**UNITED STATES BANKRUPTCY COURT  
DISTRICT OF NEW JERSEY**

In Re:

John J. Coucoules

Case No.: 12-39520

Judge: JNP

Chapter: 13

Debtor(s)

**Chapter 13 Plan and Motions**

- ☐ Original ☒ <sup>2nd</sup> Modified/Notice Required ☒ Discharge Sought  
☐ Motions Included ☐ Modified/No Notice Required ☐ No Discharge Sought

Date: 2/22/17

THE DEBTOR HAS FILED FOR RELIEF UNDER  
CHAPTER 13 OF THE BANKRUPTCY CODE

**YOUR RIGHTS WILL BE AFFECTED**

You should have received from the court a separate *Notice of the Hearing on Confirmation of Plan*, which contains the date of the confirmation hearing on the Plan proposed by the Debtor. This document is the actual Plan proposed by the Debtor to adjust debts. You should read these papers carefully and discuss them with your attorney. Anyone who wishes to oppose any provision of this Plan or any motion included in it must file a written objection within the time frame stated in the Notice. **This Plan may be confirmed and become binding, and included motions may be granted without further notice or hearing, unless written objection is filed before the deadline stated in the Notice.**

**YOU SHOULD FILE A PROOF OF CLAIM BY THE DEADLINE STATED  
IN THE NOTICE TO RECEIVE DISTRIBUTIONS UNDER ANY PLAN  
THAT MAY BE CONFIRMED, EVEN IF THE PLAN REFERS TO YOUR CLAIM**

**Part 1: Payment and Length of Plan**

a. The debtor shall pay \$ 1,082 per month to the Chapter 13 Trustee, starting on 3/1/17 for approximately 10 months. (\$37,670 paid to date)

b. The debtor shall make plan payments to the Trustee from the following sources:

- ☒ Future earnings  
☒ Other sources of funding (describe source, amount and date when funds are available):

c. Use of real property to satisfy plan obligations:

- ☐ Sale of real property

Description:

Proposed date for completion: \_\_\_\_\_

- ☐ Refinance of real property:

Description:

Proposed date for completion: \_\_\_\_\_

- ☐ Loan modification with respect to mortgage encumbering property:

Description:

Proposed date for completion: \_\_\_\_\_

- d. ☐ The regular monthly mortgage payment will continue pending the sale, refinance or loan modification.

- e. ☐ Other information that may be important relating to the payment and length of plan:

**Part 2: Adequate Protection**

a. Adequate protection payments will be made in the amount of \$ \_\_\_\_\_ to be paid to the Chapter 13 Trustee and disbursed pre-confirmation to \_\_\_\_\_ (creditor).

b. Adequate protection payments will be made in the amount of \$ \_\_\_\_\_ to be paid directly by the debtor(s) outside the Plan, pre-confirmation to: \_\_\_\_\_ (creditor).

**Part 3: Priority Claims (Including Administrative Expenses)**

All allowed priority claims will be paid in full unless the creditor agrees otherwise:

Creditor	Type of Priority	Amount to be Paid
Steven N. Taieb, Esq.	Administrative Priority Counsel Claim	\$400

**Part 4: Secured Claims**

**a. Curing Default and Maintaining Payments**

The Debtor shall pay to the Trustee (as part of the Plan) allowed claims for arrearages on monthly obligations and the debtor shall pay directly to the creditor (outside the Plan) monthly obligations due after the bankruptcy filing as follows:

Creditor	Collateral or Type of Debt	Arrearage	Interest Rate on Arrearage	Amount to be Paid to Creditor (In Plan)	Regular Monthly Payment (Outside Plan)
SLM Financial	Pool	\$139		\$139	\$139
Sun FCU	2005 Avalanche	\$480		\$480	\$480
Bank of the West	Boat	\$321.47		\$321.47	\$321.47

**b. Modification**

1.) The debtor values collateral as indicated below. If the claim may be modified under Section 1322(b)(2), the secured creditor shall be paid the amount listed as the "Value of the Creditor Interest in Collateral," plus interest as stated. The portion of any allowed claim that exceeds that value shall be treated as an unsecured claim. If a secured claim is identified as having "NO VALUE" it shall be treated as an unsecured claim.

**NOTE: A modification under this Section ALSO REQUIRES the appropriate motion to be filed under Section 7 of the Plan.**

Creditor	Collateral	Scheduled Debt	Total Collateral Value	Superior Liens	Value of Creditor Interest in Collateral	Annual Interest Rate	Total Amount to be Paid

2.) Where the Debtor retains collateral and completes the Plan, payment of the full amount of the allowed secured claim shall discharge the corresponding lien.

**c. Surrender**

Upon confirmation, the stay is terminated as to surrendered collateral. The Debtor surrenders the following collateral:

Creditor	Collateral to be Surrendered	Value of Surrendered Collateral	Remaining Unsecured Debt

**d. Secured Claims Unaffected by the Plan**

Lakeview Loan Servicing-Current outside plan pursuant to Loan Modification

The following secured claims are unaffected by the Plan:

**e. Secured Claims to be Paid in Full Through the Plan:**

Creditor	Collateral	Total Amount to be Paid Through the Plan

**Part 5: Unsecured Claims**

**a. Not separately classified** allowed non-priority unsecured claims shall be paid:

- ☐ Not less than \$ \_\_\_\_\_ to be distributed *pro rata*
- ☒ Not less than \_\_\_\_\_ 100 percent
- ☐ *Pro Rata* distribution from any remaining funds

**b. Separately classified unsecured** claims shall be treated as follows:

Creditor	Basis For Separate Classification	Treatment	Amount to be Paid

**Part 6: Executory Contracts and Unexpired Leases**

All executory contracts and unexpired leases are rejected, except the following, which are assumed:

Creditor	Nature of Contract or Lease	Treatment by Debtor

**Part 7: Motions**

**NOTE: All plans containing motions must be served on all potentially affected creditors, together with local form, *Notice of Chapter 13 Plan Transmittal*, within the time and in the manner set forth in D.N.J. LBR 3015-1. A *Certification of Service* must be filed with the Clerk of Court when the plan and transmittal notice are served.**

**a. Motion to Avoid Liens Under 11. U.S.C. Section 522(f).**

The Debtor moves to avoid the following liens that impair exemptions:

Creditor	Nature of Collateral	Type of Lien	Amount of Lien	Value of Collateral	Amount of Claimed Exemption	Sum of All Other Liens Against the Property	Amount of Lien to be Avoided

**b. Motion to Avoid Liens and Reclassify Claim From Secured to Completely Unsecured.**

The Debtor moves to reclassify the following claims as unsecured and to void liens on collateral consistent with Part 4 above:

Creditor	Collateral	Amount of Lien to be Reclassified

**c. Motion to Partially Void Liens and Reclassify Underlying Claims as Partially Secured and Partially Unsecured.**

The Debtor moves to reclassify the following claims as partially secured and partially unsecured, and to void liens on collateral consistent with Part 4 above:

Creditor	Collateral	Amount to be Deemed Secured	Amount to be Reclassified as Unsecured

**Part 8: Other Plan Provisions**

**a. Vesting of Property of the Estate**

- ☒ Upon confirmation  
☐ Upon discharge

**b. Payment Notices**

Creditors and Lessors provided for in Parts 4, 6 or 7 may continue to mail customary notices or coupons to the Debtor notwithstanding the automatic stay.

**c. Order of Distribution**

The Trustee shall pay allowed claims in the following order:

- 1) Trustee commissions
- 2) Administrative Priority Claims
- 3) Secured Claims
- 4) Unsecured Claims

**d. Post-Petition Claims**

The Trustee ☐ is, ☒ is not authorized to pay post-petition claims filed pursuant to 11 U.S.C. Section 1305(a) in the amount filed by the post-petition claimant.

**Part 9: Modification**

If this Plan modifies a Plan previously filed in this case, complete the information below.

Date of Plan being Modified: 8/12/15.

Explain below **why** the plan is being modified:

Pursuant to order approving Loan Modification

Explain below **how** the plan is being modified:

Pursuant to order approving Loan Modification

Are Schedules I and J being filed simultaneously with this Modified Plan? ☒ Yes ☐ No

**Part 10: Sign Here**

The Debtor(s) and the attorney for the Debtor (if any) must sign this Plan.

Date: 2/22/17

/s/ Steven N. Taieb, Esq.  
Attorney for the Debtor

I certify under penalty of perjury that the above is true.

Date: \_\_\_\_\_

/s/ John Coucoules  
Debtor

Date: \_\_\_\_\_

\_\_\_\_\_  
Joint Debtor

**Certificate of Notice Page 8 of 9**  
 United States Bankruptcy Court  
 District of New Jersey

In re:  
 John J. Coucoules  
 Debtor

Case No. 12-39520-JNP  
 Chapter 13

**CERTIFICATE OF NOTICE**

District/off: 0312-1

User: admin  
 Form ID: pdf901

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 Total Noticed: 27

Date Rcvd: Feb 23, 2017

Notice by first class mail was sent to the following persons/entities by the Bankruptcy Noticing Center on Feb 25, 2017.

db	+John J. Coucoules, 14 East Woodcrest Avenue, Maple Shade, NJ 08052-3343
cr	+Bank of America, N.A., as successor by merger to B, Phelan Hallinan & Schmieg, PC, 400 Fellowship Road, Suite 100, Mt. Laurel, NJ 08054-3437
513565913	+Bank of America, 450 American Street SV416, Simi Valley, CA 93065-6285
513846590	Bank of America, N.A., P.O. Box 660933, Dallas, TX 75266-0933
513565915	+Cap One, PO Box 30253, Salt Lake City, UT 84130-0253
513817864	CitiFinancial, Inc., P.O. Box 6042, Sioux Fall, SD 57117-6042
513565918	+Home Depot Citibank, PO Box 6497, Sioux Falls, SD 57117-6497
516552251	Lakeview Loan Servicing, LLC, KML Law Group PC, Sentry Office Plaza, 216 Haddon Avenue, Suite 206, Westmont, NJ 08108
514344642	+M & T Bank as servicer, M & T Bank, PO Box 840, Buffalo, NY 14240-0840
514344643	+M & T Bank as servicer, M & T Bank, PO Box 840, Buffalo, NY 14240-1288, M & T Bank as servicer, M & T Bank 14240-0840
514385512	+M&T Bank, as Servicer, KIVITZ MCKEEVER LEE, P.C., BNY Mellon Independence Center, 701 Market Street, Suite 5000, Philadelphia, PA 19106-1541
513565919	+Mariner Finance, 814 White Horse Pike Ste 1, Oaklyn, NJ 08107-1266
513565921	+SLM Financial Corp., 6000 Commerce Pkwy Ste A, Mount Laurel, NJ 08054-2226
513701462	+Sun East F.C.U., PO Box 2231, Aston, PA 19014-0231
513565922	+Sun East Federal Credit Union, 4500 Pennell Road, Aston, PA 19014-1862

Notice by electronic transmission was sent to the following persons/entities by the Bankruptcy Noticing Center.

smg	E-mail/Text: usanj.njbankr@usdoj.gov Feb 23 2017 22:35:13 U.S. Attorney, 970 Broad St., Room 502, Rodino Federal Bldg., Newark, NJ 07102-2534
smg	+E-mail/Text: ustpreion03.ne.ecf@usdoj.gov Feb 23 2017 22:35:11 United States Trustee, Office of the United States Trustee, 1085 Raymond Blvd., One Newark Center, Suite 2100, Newark, NJ 07102-5235
513565914	+E-mail/Text: bknotices@bankofthewest.com Feb 23 2017 22:35:22 Bank of the West, 2527 Camino Ramon, San Ramon, CA 94583-4213
513720220	E-mail/PDF: gecsed@recoverycorp.com Feb 23 2017 22:37:11 GE Capital Retail Bank, Attn: Bankruptcy Department, PO Box 960061, Orlando FL 32896-0661
513565916	+E-mail/PDF: gecsed@recoverycorp.com Feb 23 2017 22:37:11 GEGRB Creative Plaything, PO box 965036, Orlando, FL 32896-5036
513565917	E-mail/PDF: gecsed@recoverycorp.com Feb 23 2017 22:36:21 GEGRB Lowes, PO Box 965005, Orlando, FL 32896-5005
514124112	E-mail/Text: JCAP_BNC_Notices@jcap.com Feb 23 2017 22:35:23 JEFFERSON CAPITAL SYSTEMS LLC, PO BOX 7999, ST CLOUD MN 56302
514124113	E-mail/Text: JCAP_BNC_Notices@jcap.com Feb 23 2017 22:35:23 JEFFERSON CAPITAL SYSTEMS LLC, PO BOX 7999, ST CLOUD MN 56302, JEFFERSON CAPITAL SYSTEMS LLC, PO BOX 7999, ST CLOUD MN 56302
516636267	+E-mail/PDF: cbp@onemainfinancial.com Feb 23 2017 22:36:27 OneMain, 605 Munn Rd E., Fort Mill, SC 29715-8421
513565920	+E-mail/PDF: cbp@onemainfinancial.com Feb 23 2017 22:36:23 Onemain, 6801 Colwell Blvd, Irving, TX 75039-3198
513845306	E-mail/PDF: PRA_BK2_CASE_UPDATE@portfoliorecovery.com Feb 23 2017 22:37:28 Portfolio Recovery Associates, LLC, c/o HSBC Bank Nevada, N.A., POB 41067, Norfolk VA 23541
513790952	E-mail/PDF: PRA_BK2_CASE_UPDATE@portfoliorecovery.com Feb 23 2017 22:36:44 Portfolio Recovery Associates, LLC, c/o Lowes, POB 41067, Norfolk VA 23541

TOTAL: 12

\*\*\*\*\* BYPASSED RECIPIENTS (undeliverable, \* duplicate) \*\*\*\*\*

513586144 ##+Mariner Finance, LLC, 3301 Boston St, Ste 201, Baltimore, MD 21224-4979

TOTALS: 0, \* 0, ## 1

Addresses marked '+' were corrected by inserting the ZIP or replacing an incorrect ZIP. USPS regulations require that automation-compatible mail display the correct ZIP.

Transmission times for electronic delivery are Eastern Time zone.

Addresses marked '##' were identified by the USPS National Change of Address system as undeliverable. Notices will no longer be delivered by the USPS to these addresses; therefore, they have been bypassed. The debtor's attorney or pro se debtor was advised that the specified notice was undeliverable.

**I, Joseph Speetjens, declare under the penalty of perjury that I have sent the attached document to the above listed entities in the manner shown, and prepared the Certificate of Notice and that it is true and correct to the best of my information and belief.**

**Meeting of Creditor Notices only (Official Form 309): Pursuant to Fed. R. Bank. P. 2002(a)(1), a notice containing the complete Social Security Number (SSN) of the debtor(s) was furnished to all parties listed. This official court copy contains the redacted SSN as required by the bankruptcy rules and the Judiciary's privacy policies.**

Date: Feb 25, 2017

Signature: /s/Joseph Speetjens



District/off: 0312-1

User: admin  
Form ID: pdf901

Page 2 of 2  
Total Noticed: 27

Date Rcvd: Feb 23, 2017

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## CM/ECF NOTICE OF ELECTRONIC FILING

The following persons/entities were sent notice through the court's CM/ECF electronic mail (Email) system on February 23, 2017 at the address(es) listed below:

Andrew L. Spivack on behalf of Creditor Bank of America, N.A., as successor by merger to BAC Home Loans Servicing, LP fka Countrywide Home Loans Servicing, LP nj.bkecf@fedphe.com  
Andrew L. Spivack on behalf of Creditor M & T Bank Servicer For Lakeview Loan Servicing nj.bkecf@fedphe.com  
Denise E. Carlon on behalf of Creditor Lakeview Loan Servicing, LLC bankruptcynotice@zuckergoldberg.com, bkgroup@kmlawgroup.com  
Isabel C. Balboa ecfmail@standingtrustee.com, summarymail@standingtrustee.com  
Isabel C. Balboa on behalf of Trustee Isabel C. Balboa ecfmail@standingtrustee.com, summarymail@standingtrustee.com  
Joshua I. Goldman on behalf of Creditor M&T Bank jgoldman@kmlawgroup.com, bkgroup@kmlawgroup.com  
Joshua I. Goldman on behalf of Creditor M & T Bank Servicer For Lakeview Loan Servicing jgoldman@kmlawgroup.com, bkgroup@kmlawgroup.com  
Joshua I. Goldman on behalf of Creditor Lakeview Loan Servicing, LLC jgoldman@kmlawgroup.com, bkgroup@kmlawgroup.com  
Steven N. Taieb on behalf of Debtor John J. Coucoules staieb@comcast.net  
Warren S. Jones, Jr. on behalf of Creditor Bank Of The West wsjonesesq@verizon.net, bestcasewsj@gmail.com

TOTAL: 10